

### **REMARKS**

Applicants have carefully reviewed the Office Action mailed on August 18, 2010. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 1-48 are canceled without prejudice, and new claims 49-68 are submitted. No new matter is added. Claims 49-68 are presented for examination.

#### **Specification**

Applicants wish to note an error in the publication of the present application. The present application, Appl. No. 10/645,055, filed on August 21, 2003, was published on February 24, 2005 as Pub. No. US 2005/0043679. This published document appears to have the correct cover sheet data, abstract, figures, and claims, but includes the wrong text. Note, for example, that the published document provides figure descriptions for FIGs. 1-12, when only 8 figures are included with the application.

It appears that the entire text of the published document, from paragraphs [0001] to [0113], corresponds to paragraphs [0001] to [0116] of Appl. No. 10/645,014, which was also filed on the same day with the same first inventor under the title "Multilayer medical devices", and also published on February 24, 2005 as Pub. No. US 2005/0043712. The difference in paragraph numbers arises from several short paragraphs being combined into paragraph [0062] of the present, and erroneous, publication '679.

Applicants are fairly certain that the Examiner has access to the correct specification, because the reference in the Office Action to "Page 5, lines 14-16" corresponds correctly to the specification as filed.

Applicants respectfully request that in the next Office Action, the Examiner confirms that the correct specification is possessed by the Patent Office (24 pages of text, including detailed description, claims and abstract; 3 pages of figures including FIGs. 1-8, "Attorney Docket No. 10527-443001; Client Reference No. 02-250" in page headers), and that the correct specification will appear in the patent when it issues, not the erroneous specification that was published as US 2005/0043679.

**Claim Rejections Under 35 U.S.C. §112**

Claims 1 and 48 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, has possession of the claimed invention.

While Applicants disagree with these rejections, Applicants believe that these rejections are moot in view of the cancellation of claims 1 and 48 and the submission of new claims 49-68.

Withdrawal of the §112 rejections is respectfully requested.

**Claim Rejections Under 35 U.S.C. §103**

Claims 1-5, 8, 10, 12, 17 and 48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ding et al. in U.S. Patent No. 6,364,856.

While Applicants disagree with these rejections, Applicants believe that these rejections are moot in view of the cancellation of claims 1-5, 8, 10, 12, 17 and 48 and the submission of new claims 49-68.

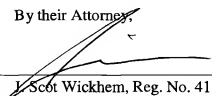
Withdrawal of the obviousness rejections is respectfully requested.

Further examination and withdrawal of the rejections is respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,  
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By their Attorney,

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